



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 5072-00

19 December 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 17 November 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

17 Nov 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO SCPO [REDACTED]
[REDACTED]

Ref: (a) BCNR memo of 4 Oct 00
(b) DoD Financial Management Regulation (Vol 7B)

1. Per reference (a), recommend the BCNR not correct Senior Chief [REDACTED] record to reflect that he be withdrawn or disenrolled from the Survivor Benefit Plan (SBP).
2. The recommendation is based on the following:
 - a. Senior Chief [REDACTED] transferred to the Fleet Reserve on 31 December 1998.
 - b. Senior Chief [REDACTED] enrolled in SBP spouse coverage category utilizing his full gross retired pay as a base amount prior to transferring to the Fleet Reserve. In view of that election, his spouse's concurrence was not required. Per reference (b), A member who retires on or after 21 September 1972, has automatic participation at the maximum level unless he/she elects otherwise before retirement.
 - c. Senior Chief [REDACTED] and [REDACTED] were married on 25 November 1997. Per reference (b), the decision to participate or decline SBP is irrevocable. Discontinuation in SBP may take place when there is no eligible beneficiary due to death or divorce.

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]
[REDACTED]

3. Additionally, Senior Chief [REDACTED] has not provided evidence to indicate that he qualifies for termination, nor verifying that his marriage to [REDACTED] was in fact annulled.

[REDACTED]
Head, Navy Retired Activities
Branch (PERS-622)